



# ***BUILDING & FIRE CODE APPEALS BOARD***

## ***Evidentiary Hearing***

**Appeal Hearing  
Wednesday, August 16, 2023  
Penn Room & Hybrid  
5 pm**

Join from a PC, Mac, iPad, iPhone or Android device:

Please click this URL to join. <https://readingpa.zoom.us/j/81828942459?pwd=aS8wV3h1QoF6MTkxN0lvUmd3QkJuZz09>

Passcode: 657454

Or join by phone:

Dial US: +1 312 626 6799

Webinar ID: 818 2894 2459

Passcode: 657454

### **I. Call to Order & Purpose**

### **II. Appeals**

- A. 112 S 6<sup>th</sup> Street - N East Property LLC, 2314 Grant St Reading Pa 19606
- B. 210 N 5<sup>th</sup> St, aka 206 N 5<sup>th</sup> - Berks Co Ctr for Independent Living 416 Blair Ave Reading Pa 19601

### **III. Board Deliberation in Executive Session**

### **IV. Decision**

Ownership Information County of Berks Parcel Search Report Created July 26, 2023

Page 1 of 1

07530767823512

400 N 6TH ST

LXR PA 1 LLC

812 DARBY RD UNIT A HAVERTOWN PA 19083

530767823512

2022020913

20220520

160000

NOT ENROLLED

07088475

20700

20700

45800

66500

COMMERCIAL

4126 0.06

COMMERCIAL BUILDING.ACCEPTED: 01-JUL-05





## CONDITIONAL USE APPLICATION CHECKLIST

Property Address 400 N. 6<sup>th</sup> Street

Application # CU- 2023 - 02

Date Received MAY 15 2023

The following documentation must be submitted with each conditional use application. Upon submission of an application, staff will review the application and notify the applicant of any deficient information. If any information is deficient, a public hearing cannot be scheduled until all required information is received. A public hearing will be scheduled within 60 days of receipt of required information.

Required Item	Staff use:	Notes (if deficient)
(1) <i>Zoning Permit.</i> A zoning permit must be submitted and a review/denial letter issued before submission of a conditional use application.	<input type="checkbox"/> Complete <input type="checkbox"/> Deficient	
(2) <i>Conditional Use Application.</i> All items must be completed or marked "N/A" if not applicable. Application must be signed by applicant. Corporations, LLCs, and other entities must be represented by an attorney.	<input type="checkbox"/> Complete <input type="checkbox"/> Deficient	
(3) <i>Owner authorization.</i> If applicant is not the sole record owner of property, authorization from all owners or the legal representative (e.g., attorney for corporation or LLC) is required.	<input type="checkbox"/> Complete <input type="checkbox"/> Deficient	
(4) <i>Plot plan.</i> Must accurately depict proposed construction, additions or changes; existing lot size and use(s) on lot; and all relevant dimensions. Plans must be clear, legible, and accurately drawn to scale. Three (3) hard copies must be provided as well as one digital copy (in PDF format). <i>Note: the zoning ordinance requires that applications for certain uses include architectural drawings.</i>	<input type="checkbox"/> Complete <input type="checkbox"/> Deficient	
<i>Fees.</i> The following fees apply to conditional use applications: Conditional Use Hearing Fee \$1200 Plan Review Fee \$120 (Applies to revised/corrected plans submitted after the initial zoning permit application)	<input type="checkbox"/> Complete <input type="checkbox"/> Deficient	

- ☐ This application has been reviewed and is scheduled for public meetings/hearings on the following dates:

Planning Commission Meeting: \_\_\_\_\_, 20\_\_\_\_ at 6 p.m.

City Council Public Hearing: \_\_\_\_\_, 20\_\_\_\_ at \_\_\_\_:\_\_\_\_.m.

*During the COVID-19 Emergency Declaration, hearings/meetings will be held via Zoom and meeting instructions will be provided to applicant via email.*

- ☐ This application has been determined to be incomplete and cannot be scheduled for public hearing at this time.

The requested information listed above must be provided no later than close of business on \_\_\_\_\_, 20\_\_\_\_ in order for the public hearing to be scheduled.

Reviewer name: \_\_\_\_\_ Title: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Contact phone: \_\_\_\_\_ Email: [zoning@readingpa.gov](mailto:zoning@readingpa.gov)



**CITY OF READING  
CITY COUNCIL**

**CONDITIONAL USE HEARING APPLICATION**

(PLEASE PRINT CLEARLY OR TYPE IN BLUE OR BLACK INK)  
(Prior to filing, the proposal should be discussed in detail with the City Zoning Administrator)

1. Name of Applicant LXRPA1.LLC / LXR Holdings
2. Mailing Address of Applicant 812 Darby Road, Suite A  
Havertown, PA 19083
3. Phone number of Applicant (day phone) 610-724-4992
4. Cell Phone number of Applicant Same
5. E Mail Address of Applicant brian.oneill.jr@gmail.com
6. Property Interest of Applicant Owner  
(owner, renter, contract purchaser, etc.)
7. Tax Assessor's Parcel Number and Legal Description of Subject Property (the  
parcel number is mandatory to begin processing of the application  
07530767823512)
8. Street Address of Subject Property 400 N. 6th Street, Reading, PA 19601
9. City of Reading Business License No. N/A
10. Zoning District of Property R-3 Residential
11. Name of Property Owner Same as Applicant

12. Mailing Address of Property Owner (if different from applicant)

Same as Applicant

13. Name of Contact Person or Attorney for Project (this is the single point of contact that should receive all notices, mailings, information, etc.)

Joan E. London, Esquire / Kozloff Stoudt P.C.

14. Address of Contact Person 2640 Westview Drive

Wyomissing, PA 19610

15. Phone number of Contact Person (day number) (610) 670-2552

16. E Mail address of Contact Person jlondon@kozloffstoudt.com

17. Nature of the Request (be specific) Conversion to residential apartments with storefront retail

18. Site Area of subject property is square feet. Approximately 2613.6 sq. ft.

19. Total gross floor area of new construction See attached plans for dimensions. No changes to footprint.

20. How many off-street parking spaces are available Will be rented from public or private source.

21. List the name of the trash collector who services this property  
Name to date, most likely will be Hollenbaugh's Trash and Recycling.

22. Your application will be judged against the following criteria. Please answer these questions thoughtfully and attach additional pages as needed.

A. Explain how the proposed use will promote the health, safety and general welfare of the community:

The use will remediate and revitalize an older building and provide affordable, code-compliant housing, at a rent, per company policy, of 27% median. The appearance of the building will be improved, while keeping architectural features.

B. Explain how the proposed use will satisfy the purpose and intent of the land use zone in which it is located:

The R-3 District, per Section 600-702A.1, provides for highest residential densities and multi-family apartments. This project improves and converts an existing former commercial / residential building to code-compliant apartments with ground floor retail space.

C. Explain how the proposed use will not be detrimental to the surrounding neighborhood:

The use will create apartments meeting size and area requirements, and will remediate an older building. There will be parking provided on and off-site, and there will be no over concentration of population or impairment of use of nearby structures.

D. Explain how the proposed use will:

- (1) Be harmonious with the general policies and specific objectives of the Comprehensive Plan (ask Planning Staff for assistance):

The proposed use is permitted under the zoning ordinance, and is in a district intended for multi-family apartment buildings where facilities and infrastructure are best suited to higher density housing.

- (2) Enable the continued orderly and reasonable use of adjacent properties by providing a means for expansion of public roads, utilities, and Plan:

There will be no charges to the footprint or building envelope, so there will be no impediment to expansion of public roads or utilities.

- (3) Be designed so as to be compatible with the essential character of the neighborhood:

There will be no exterior changes beyond repairs and maintenance to improve appearance, and the neighborhood is one intended for apartments and mixed use buildings.

- (4) Be adequately served by public facilities and utilities including drainage provisions:

Building is served by public sewer and water, and as there will be no changes to building footprint, there will be no impact on storm drainage.

- (5) Not create excessive vehicular congestion on neighborhood collector or residential access roads;

Off street parking is being provided with one on-site space, and the addition of five apartments and walk-in retail space, on a main thoroughfare intended for traffic, will not create vehicular congestion.

- (6) Not create a hazard to life, limb, or property resulting from the proposed use, or by the structures used therefore, or by the inaccessibility of the property or structures thereon:

The intention of this project is to provide code-compliant housing which is clean, safe and affordable.

- (7) Not create influences substantially detrimental to neighboring uses. "Influences" shall include, but not necessarily be limited to: noise, odor, smoke, light, electrical interference, and/or mechanical vibrations:

The building is designed in a manner and will be constructed in a manner as to meet all codes and ordinances intended to protect resident and public safety and quality of life.


- (8) Not result in the destruction, loss, or damage to any natural, scenic, or historic feature of major consequence:

The architectural features and exterior will be preserved and maintained with rehabilitation where needed.




**Acknowledgement and Signature:**

The undersigned hereby represents upon all of the penalties of law, for the purpose of inducing the City of City of Reading City Council to take the action herein requested, that all statements herein are true and that all work herein mentioned will be done in accordance with the Ordinances of the City of Reading and the laws of the Commonwealth of Pennsylvania.

  
Signature of Applicant

05-08-2023  
Date

Brian O'Neill Jr. / LXR PA 1 LLC  
Printed Name of Applicant

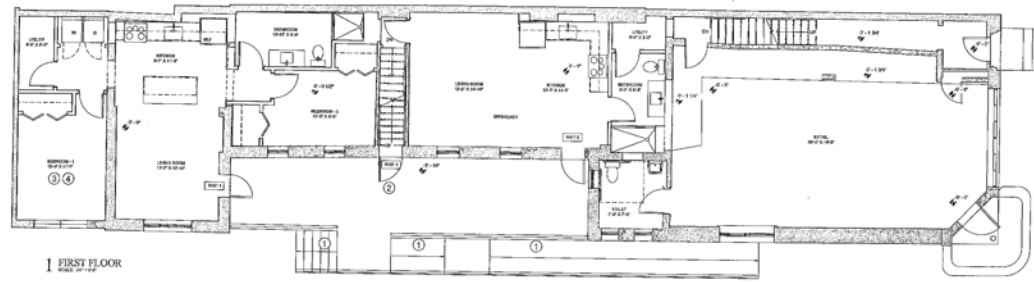
  
Signature of Property Owner (in different from Applicant)

LXR PA 1 LLC  
Printed Name of Current Fee Owner

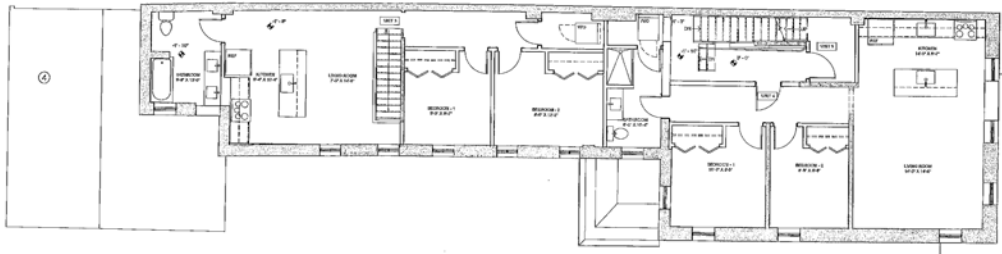
Does the applicant require a translator? \_\_\_\_ Yes ☒ No.

If a translator is required please indicate the dialect required  
\_\_\_\_\_

✓



1 FIRST FLOOR  
SCALE 1/8" = 1'-0"



2 SECOND FLOOR  
SCALE 1/8" = 1'-0"

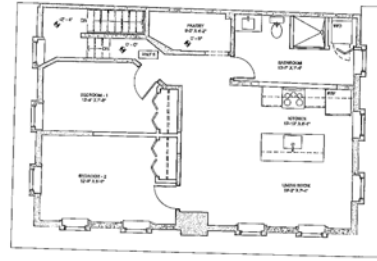
NO.	REVISION	DATE	BY	CHKD.
1	ISSUED FOR PERMIT	11/11/2022	PHILLIPS	PHILLIPS
2	ISSUED FOR PERMIT	11/11/2022	PHILLIPS	PHILLIPS
3	ISSUED FOR PERMIT	11/11/2022	PHILLIPS	PHILLIPS
4	ISSUED FOR PERMIT	11/11/2022	PHILLIPS	PHILLIPS
5	ISSUED FOR PERMIT	11/11/2022	PHILLIPS	PHILLIPS
6	ISSUED FOR PERMIT	11/11/2022	PHILLIPS	PHILLIPS
7	ISSUED FOR PERMIT	11/11/2022	PHILLIPS	PHILLIPS
8	ISSUED FOR PERMIT	11/11/2022	PHILLIPS	PHILLIPS
9	ISSUED FOR PERMIT	11/11/2022	PHILLIPS	PHILLIPS
10	ISSUED FOR PERMIT	11/11/2022	PHILLIPS	PHILLIPS

LXR HOLDINGS - APARTMENT  
RENOVATIONS  
202 S. 11TH STREET  
PROPOSED FIRST  
AND SECOND FLOOR PLANS

phillips associates  
202 S. 11TH STREET  
PROGRESS 24 Jan 2023

NO.	REVISION	DATE	BY	CHKD.
1	ISSUED FOR PERMIT	11/11/2022	PHILLIPS	PHILLIPS
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A1



3 THIRD FLOOR  
SCALE: 1/8" = 1'-0"

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261	REVISED PER COMMENTS	12/28/27
262	REVISED PER COMMENTS	1/4/28
263	REVISED PER COMMENTS	1/11/28
264	REV	



## CITY OF READING ZONING PERMIT

DENIED

07530767823512

TAX PARCEL ID # 07-5307-67-82-3512

PERMIT # 2022-647

THIS BOXED AREA TO BE COMPLETED BY THE APPLICANT

\*\*\*Be aware PA crimes codes CC4904 provides for penalties for false statements or misrepresentations\*\*\*

SUBJECT ADDRESS 400 N. 6<sup>th</sup> St 19601  
NUMBER STREET ZIP CODERECORDED DEED PROPERTY OWNER NAME(S): LXR PA 1 LLC  
610-724-4992 812 Darby Rd, STE A, Havertown, PA 19063  
TELEPHONE # NUMBER STREET ZIP CODE

\*\*\*APPLICANT MUST HAVE PROPER LEGAL STANDING TO SUBMIT THIS PERMIT APPLICATION\*\*\*

LXR PA 1 LLC 610-724-4992 Brian.O'Neill Jr@gmail.com  
APPLICANT NAME TELEPHONE # EMAIL  
812 Darby Rd, STE A, Havertown, PA 19063  
APPLICANT'S ADDRESS - NUMBER STREET ZIP CODEAPPLICANT IS: OWNER ☒ TENANT ☐ CONTRACTOR ☐ BUSINESS PRIVILEGE LICENSE Y/N? ☐

IF APPLICANT IS A CONTRACTOR, PROVIDE BUSINESS PRIVILEGE LICENSE NUMBER

APPLICANT SIGNATURE: [Signature] 10-03-2022  
NAME DATE SUBMITTED

DESCRIBE EXISTING USE: Storefront with Residents 1-2 apartments

DESCRIBE PROPOSED USE: Storefront with 5 apartments within existing building, no change to footprint or building envelope

LAST APPR'D USE: transfer - bakery PROPOSED USE: conversion

PURPOSE: A NEW, RELOCATED, OR EXPANDED STRUCTURE, PARKING AREA OR SIGN ☐ CREATION OF A USE ☐  
CHANGE OF USE (INCL TO NUMBER OF DWELLING UNITS) ☐ NON-CONFORMING USE, BLDG OR LOT ☐APPROVED: DENIED ZONING DISTRICT: R-3  
ZONING OFFICIAL DATE

COMMENTS:

DENIED: Emily Kline-McLardy 12/29/22 REASON(S) FOR DENIAL: SEE ATTACHED LETTER  
ZONING OFFICIAL DATE

ZHB: DATE: GRANTED DENIED PC: PLAN RECORDED Y/N N/A

ATTN: ADDITIONAL PERMITS AND/OR APPROVALS MAY ALSO BE REQUIRED BY THE CITY DEPARTMENTS BELOW:

BLDG CODES HEALTH/HOUSING FIRE PUBLIC WORKS HISTORIC PLANNING

This permit applies to ZONING ONLY and shall not relieve the applicant from obtaining other such permits as may be required by law. Violation of any provision of this ordinance, including falsification of information on this permit shall be punishable by a fine not to exceed \$500.00 or by imprisonment not to exceed 60 days.

DATE STAMP RECEIVED

DEC 15 2022

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